

WEDNESDAY, MAY 29, 1991

FIFTIETH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rep. Ken Gillespie, Adams United Methodist Church, Adams, Tennessee.

Representative Gene Davidson led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Wix, Wood, Mr. Speaker Naifeh -- 96.

**MESSAGE FROM THE SENATE
May 24, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 771; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORTS FROM STANDING COMMITTEES

**FINANCE, WAYS AND MEANS
May 28, 1991**

MR. SPEAKER: Your Finance, Ways and Means Committee reports

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

that we have carefully considered and recommend for passage: House Bill(s) No(s). 62 and 1523; for passage if amended: House Bill(s) No(s). 307, 1010, 1014 and 1411.

BRAGG, Chair.

Under the rules, House Bill(s) No(s). 62 and 1523; with amendment(s): House Bill(s) No(s). 307, 1010, 1014 and 1411; was/were transmitted to the Calendar and Rules Committee.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
May 28, 1991**

MR. SPEAKER: Your Calendar and Rules Committee reports that we have met and set the following bills on the **Regular Calendar** for **Wednesday, May 29, 1991**: House Resolution(s) No(s). 71; House Bill(s) No(s). 386, 62, 1523, 1010, 307 and 1411.

PHILLIPS, Chair.

**SIGNED
May 28, 1991**

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 771.

**SIGNED
May 28, 1991**

The Speaker announced that he had signed the following: House Bill(s) No(s). 288, 312, 391, 539, 881, 963, 1026, 1594, 1601, 1602, 1608, 1610 and 1611; House Joint Resolution(s) No(s). 67, 177, 234, 238, 239, 240, 242, 243, 245, 246, 260, 270, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354 and 391; also, House Resolution(s) No(s). 119 and 120.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR
May 28, 1991**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 122, 532, 587, 699, 1078, 1249 and 1292; also, House Joint Resolution(s) No(s). 51, 274, 326, 329, 330, 331, 332, 333, 335, 340, 341, 342, 369 and 370; with his approval.

DAVID H. WELLES,
Counsel to the Governor.

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

BILL RETURN REQUESTED

Pursuant to Rule No. 54, Rep. Walley moved that the Clerk request the return of Senate Bill No. 1557 from the Senate, which motion prevailed.

PRESENT IN CHAMBER

Representative(s) Ken Meyer was/were recorded as being present in the Chamber.

RULES SUSPENDED

Rep. Byrd moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 404 out of order, which motion prevailed.

House Joint Resolution No. 0404 -- Memorials, Government Officials -- Urges Defense Department not to close Corp of Engineers office in Memphis and Nashville.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Byrd, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. U. Jones moved that the rules be suspended for the purpose

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

of introducing House Joint Resolution No. 400 out of order, which motion prevailed.

House Joint Resolution No. 0400 -- Memorials, Recognition and Thanks -- Lynk Family Reunion.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. U. Jones, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. DeBerry moved that all congratulatory and memorializing resolutions lying on the Clerk's desk be placed on a Special Consent Calendar, which motion prevailed.

RULES SUSPENDED

Rep. Robinson (Davidson), moved that pursuant to **Rule No. 67**, the Transportation Committee meet after Session today, which motion prevailed.

CONSENT CALENDAR

House Bill No. 1590 -- Williamson County -- Revises Adequate Facilities Tax Act. Amends Chapter 118, Private Acts of 1987, as amended.

House Bill No. 1603 -- Springfield -- Revises nepotism law. Amends Chapter 1, Private Acts of 1989.

House Bill No. 1604 -- Decatur County -- Revises purchasing provisions. Amends Chapter 254, Private Acts of 1913, as amended.

House Bill No. 1614 -- District Attorneys -- Clarifies funding for additional positions in office of district attorney for 6th judicial district. Amends Chapter 27, Public Acts of 1991.

House Bill No. 1618 -- Bradford -- Levies severance tax in Bradford Special School District.

House Bill No. 1619 -- Greenbrier -- Revises charter relative to mayor's duties; salaries of mayor and aldermen; qualifications of municipal judge. Amends Chapter 436, Private Acts of 1937, as amended.

House Bill No. 1623 -- Dyersburg -- Revises hotel/motel tax rate. Amends Chapter 370, Private Acts of 1982, as amended.

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

House Bill No. 1625 -- Brownsville -- Makes Chapter 76, Private Acts of 1991, complete Charter. Repeals Chapter 273, Private Acts of 1970, as amended.

House Bill No. 1628 -- Rutherford County -- Authorizes election commission to adopt electronic computerized method of storing and printing duplicate voter registration records.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	96
Noes.	0
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odum, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigshy, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Windle, Wix, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Nuber, Williams (Union) -- 2.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 0912 -- Pensions and Retirement Benefits -- Expands earnable compensation element in formula for computing state employee retirement allowances. Amends TCA 8-34-106.

Rep. Purcell moved that House Bill No. 912 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Council on Pensions and Insurance Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 912 by deleting the last sentence in the amendatory language of Section 1 in its entirety and by substituting instead the following:

Such increases in the annual earnable compensation shall be discontinued for earnable compensation received after June 30, 1991. However, such increases in the annual earnable compensation received after June 30, 1991, shall continue for such members until June 30, 1992, unless such members are employees of employers participating in the retirement system pursuant to chapter 35 of this title. The governing body of any such employer may at its discretion authorize and accept the liability for such continued increases by resolution.

AND FURTHER AMEND by adding the following language as a new Section 2 and by redesignating the existing Section 2 accordingly:

SECTION 2. Implementation of the provisions of this act shall be subject to the funding being provided in the general appropriations act.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 912 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Purcell moved that **House Bill No. 912**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	82
Noes.	13
Present and not voting.	1

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Hargrove, Harrill, Hassell, Head, Hill, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, Meyer, Moore, Napier, Niceley, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Windle, Wix, Wood, Mr. Speaker Naifeh -- 82.

Representatives voting no were: Callicott, Chiles, Duer, Halteman, Haun, Joyce, McDaniel, McKee, Nuber, Sipes, Stamps, Tullios, Williams (Union) -- 13.

Representatives present and not voting were: Holcomb -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from no to aye on House Bill No. 912 and have this statement entered in the Journal.

Rep. Micheal Williams

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from no to aye on House Bill No. 912 and have this statement entered in the Journal.

Rep. Tommy Haun

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from no to aye on House Bill No. 912 and have this statement entered in the Journal.

Rep. Bill Sipes

REGULAR CALENDAR, CONTINUED

House Bill No. 1464 -- Public Records -- Establishes procedures for recordation and records management of leases by secretary of state and commissioner of finance and administration. Amends TCA,

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

Title 4, Ch. 15; Title 10, Ch. 7; Title 12, Ch. 2, 29-20-109; Title 62, Chs. 2, 6; Title 68, Ch. 18.

Rep. Purcell moved that House Bill No. 1464 be reset to the Calendar for Thursday, May 30, 1991, which motion prevailed.

House Bill No. 0795 -- District Attorneys -- Adds additional criminal investigator and secretary to 10th judicial district; appropriates funds. Amends TCA 16-2-506.

On motion, House Bill No. 795 was made to conform with Senate Bill No. 894.

On motion, **Senate Bill No. 894**, on same subject, was substituted for House Bill No. 795.

Rep. Bivens moved that **Senate Bill No. 894** be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Bivens moved that **Senate Bill No. 894** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 0535 -- Tort Liability -- Revises limits on claims against the state. Amends TCA, Title 9, Ch. 8.

Rep. Crain moved that House Bill No. 535 be reset to the first available space to the Calendar for January, 1992, which motion prevailed.

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

***House Bill No. 0322** -- Health -- Extends from thirty to sixty days time period for notification of address change to health related boards. Amends TCA, Titles 56, 63, 68.

Rep. Davis (Gibson) moved that House Bill No. 322 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 322 by deleting Section 1 in its entirety and by substituting the following:

SECTION 1. Tennessee Code Annotated, Section 68-53-111(e), is amended by adding a new subdivision, as follows:

() In addition to any other applications, the financial responsibility limits set forth in this subsection shall also apply to occurrences involving local government agencies which were discovered after April 11, 1990, the date of final legislative action on Chapter 1012 of the Public Acts of 1990, but before April 30, 1990, the date of gubernatorial approval of Chapter 1012.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 322 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 68-53-110(h)(3), is amended by adding the following language:

Provided, however, that notwithstanding the exemptions of Tennessee Code Annotated, Title 67, Chapter 3, Part 4, to the contrary, municipalities and counties shall pay the environmental assurance fee levied pursuant to subsection (h)(1).

Section _____. Tennessee Code Annotated, Section 68-53-110(h), is amended by adding the following new subdivision:

Notwithstanding the provisions of Tennessee

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

Code Annotated, Section 67-3-401(b), to the contrary, the terms "political subdivision," "governmental bodies" and "agencies" do not include municipalities or counties.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Davis (Gibson) moved that **House Bill No. 322**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	57
Noes	31
Present and not voting	5

Representatives voting aye were: Allen, Armstrong, Bell, Bragg, Buck, Byrd, Chumney, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Gibson), Ferguson, Fowlkes, Garrett, Halteman, Hassell, Head, Hillis, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, Love, McDaniel, Moore, Napier, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Sipes, Tindell, Turner (Hamilton), Turner (Shelby), Williams (Shelby), Wood, Mr. Speaker Naifeh -- 57.

Representatives voting no were: Anderson, Bittle, Callicott, Chiles, Coffey, Davis (Cocke), Davis (Knox), Duer, Givens, Gunnels, Haley, Harrill, Haun, Hill, Holcomb, Hubbard, Joyce, McAfee, McKee, Meyer, Niceley, Nuber, Peroulas Draper, Severance, Stamps, Tullos, Walley, West, Whitson, Williams (Union), Windle -- 31.

Representatives present and not voting were: Arriola, Bivens, DeBerry, Hargrove, Venable -- 5.

A motion to reconsider was tabled.

***House Bill No. 0303 -- Taxes -- Enacts "Tax Reform Law of 1991". Amends TCA, Titles 57, 67.**

Further consideration of House Bill No. 303, previously considered on May 16, 1991, at which time Amendment No. 1, as amended, was adopted; it failed for lack of a constitutional majority and was re-referred to the Calendar and Rules Committee, which placed the bill on the Calendar for May 29, 1991.

Rep. Bragg moved that House Bill No. 303 be reset to the Calendar for Thursday, May 30, 1991, which motion prevailed.

***House Bill No. 0125 -- Wildlife Resources Commission -- Makes hunting, killing, ensnaring, or destroying, or the attempt to do so, wildlife except as permitted by commission, Class B misdemeanor,**

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

punishable only by fine. Amends TCA, Title 70.

Further consideration of House Bill No. 125, previously considered on May 9, 1991, at which time Amendment No. 1 was adopted; Amendment No. 2 was tabled; Amendment No. 3 was withdrawn, and the bill was reset to the Calendar for May 16 and May 23, 1991.

On motion, House Bill No. 125 was made to conform with Senate Bill No. 1133.

On motion, **Senate Bill No. 1133**, on same subject, was substituted for House Bill No. 125.

Rep. Odom moved that **Senate Bill No. 1133** be passed on third and final consideration.

Rep. Odom moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 1133 by deleting the following language:

Section _____. Tennessee Code Annotated, Section 70-4-119(a), is amended by adding the following as new subdivisions:

(10) Notwithstanding any rule, regulation or proclamation to the contrary, it shall be an offense for any person to harvest undersized mussels, as defined by rule, regulation or proclamation, for any purpose except for scientific research or as provided in this section.

(11) Violation of subdivision (10) of this section is a Class C misdemeanor.

On motion, Amendment No. 1 was adopted by the following vote:

Ayes.	49
Noes.	43
Present and not voting.	3

Representatives voting aye were: Anderson, Armstrong, Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Clark, Cole, Crain, Cross, Curlee, Davidson, Davis (Cocke), DeBerry, Dixon, Ferguson, Garrett, Givens, Haun, Herron, Hillis, Holt, Huskey, Jackson, Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Love, McAfee, Napier, Odom, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Turner (Hamilton), West, Windle, Mr. Speaker Naifeh -- 49.

Representatives voting no were: Allen, Bell, Chumney, Coffey, Collier, Davis (Gibson), Davis (Knox), Duer, Fowlkes, Gunnels,

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

Halteman, Harrill, Hassell, Head, Hill, Holcomb, Hubbard, Johnson, Joyce, Liles, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Peroulas Draper, Phillips, Pinion, Rigsby, Robinson (Washington), Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, Williams (Shelby), Williams (Union), Wix, Wood -- 43.

Representatives present and not voting were: Hargrove, Pruitt, Whitson -- 3.

Rep. Odom moved to amend as follows:

Amendment No. 2

Amend Senate Bill No. 1133 by adding the following new section:

Section _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 2 was adopted.

Rep. Rinks moved to amend as follows:

Amendment No. 3

Amend Senate Bill No. 1133 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. To enhance and protect the state's mussel industry, the governor is authorized to appoint a five (5) member group of mussel industry representatives to advise the wildlife resources commission and the various agencies of state government on pertinent matters relating to policy development and enforcement. The terms of such members shall run concurrently with the term of the appointing governor.

On motion, Amendment No. 3 was adopted.

Rep. Gunnels moved to amend as follows:

Amendment No. 4

Amend Senate Bill No. 1133 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Notwithstanding any language of this act

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

to the contrary, no export fee shall be levied or collected on fresh-water mussells [sic].

Rep. Hillis moved that Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes.	51
Noes.	36
Present and not voting.	4

Representatives voting aye were: Anderson, Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), DeBerry, Ferguson, Garrett, Givens, Head, Herron, Hillis, Holt, Hubbard, Huskey, Jackson, Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Love, McAfee, Napier, Odom, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Turner (Hamilton), Williams (Shelby), Windle, Mr. Speaker Naifeh -- 51.

Representatives voting no were: Allen, Bell, Coffey, Collier, Davis (Knox), Duer, Fowlkes, Haley, Halteman, Harrill, Hassell, Haun, Hill, Johnson, Joyce, Liles, McDaniel, McKee, Meyer, Moore, Niceley, Peroulas Draper, Phillips, Pinion, Robinson (Washington), Shirley, Sipes, Stamps, Tindell, Tullios, Venable, Walley, West, Whitson, Williams (Union), Wood -- 36.

Representatives present and not voting were: Armstrong, Davis (Gibson), Hargrove, Turner (Shelby) -- 4.

Rep. Ridgeway moved the previous question, which motion prevailed.

Thereupon, Rep. Odom moved that **Senate Bill No. 1133**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	53
Noes.	34
Present and not voting.	10

Representatives voting aye were: Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), DeBerry, Dixon, Ferguson, Garrett, Givens, Haun, Head, Herron, Hillis, Holt, Huskey, Jackson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Love, McAfee, Napier, Odom, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Turner (Hamilton), Williams (Shelby), Wood, Mr. Speaker Naifeh -- 53.

Representatives voting no were: Allen, Coffey, Collier, Davis (Knox), Duer, Fowlkes, Gunnels, Haley, Halteman, Harrill, Hassell, Hill, Holcomb, Johnson, Joyce, Liles, McDaniel, McKee, Meyer, Moore,

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

Niceley, Peroulas Draper, Phillips, Pinion, Rigsby, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Shelby), Walley, West, Williams (Union) -- 34.

Representatives present and not voting were: Armstrong, Cole, Davis (Gibson), Hargrove, Hubbard, Nuber, Pruitt, Venable, Whitson, Windle -- 10.

A motion to reconsider was tabled.

***Senate Bill No. 1399** -- Taxes, Personal Property -- Provides that equipment valued at \$500 or less is deemed to have no value for personal property tax purposes. Amends TCA 67-5-901.

Further consideration of Senate Bill No. 1399, previously considered on May 16, 1991, at which time it was substituted for House Bill No. 1440; on May 23 a motion was made to adopt Amendment No. 1 and the bill was reset to the Calendar for May 29, 1991.

Rep. Davis (Knox) moved that **Senate Bill No. 1399** be passed on third and final consideration.

Rep. Jackson moved that the motion to adopt Amendment No. 1, previously filed, be withdrawn, which motion prevailed.

Rep. Copeland moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Love moved to amend as follows:

Amendment No. 3

Amend Senate Bill No. 1399 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than 477,000 nor more than 480,000 according to the 1980 federal census or any subsequent federal census.

On motion, Amendment No. 3 was adopted.

Rep. Pinion moved that Amendment No. 4 be withdrawn, which motion prevailed.

Thereupon, Rep. Davis (Knox) moved that **Senate Bill No. 1399**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	87
Noes.	7

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, West, Whitson, Williams (Shelby), Williams (Union), Windle, Wix, Wood -- 87.

Representatives voting no were: DeBerry, Jones U (Shelby), McKee, Rigsby, Rinks, Walley, Mr. Speaker Naifeh -- 7.

A motion to reconsider was tabled.

***House Bill No. 1528** -- Gambling -- Allows display of gambling devices at trade shows. Amends TCA, Title 39, Ch. 17, Pt. 5.

Further consideration of House Bill No. 1528, previously considered on May 16 and 23, 1991, at which time it was reset to the Calendar for May 29, 1991.

Rep. Dixon moved that House Bill No. 1528 be reset to the first available Calendar of January, 1992, which motion prevailed.

***House Resolution No. 0071** -- General Assembly, Studies -- Creates special house committee to study in lieu of tax payments on certain state property.

Rep. Windle moved that House Resolution No. 71 be adopted, which motion prevailed by the following vote:

Ayes.	95
Noes.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby),

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Bittle, Herron -- 2.

A motion to reconsider was tabled.

House Bill No. 1308 -- Financial Disclosure -- Revises campaign finance, lobbyists, and conflict of interest disclosure filing requirements.

On motion, House Bill No. 1308 was made to conform with Senate Bill No. 1409.

On motion, **Senate Bill No. 1409**, on same subject, was substituted for House Bill No. 1308.

Rep. Kisber moved that **Senate Bill No. 1409** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 2.

Rep. Rhinehart moved to amend as follows:

Amendment No. 3

Amend Senate Bill No. 1409 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 2-10-206(4), is amended by deleting the language "Statements filed with the registry for more than ninety (90) days shall be deemed to be sufficient, absent a showing of fraud" and by substituting instead the language "Statements filed with the registry for more than one hundred eighty (180) days shall be deemed to be sufficient, absent a showing of fraud".

On motion, Amendment No. 3 was adopted.

Rep. Love moved to amend as follows:

Amendment No. 4

Amend Senate Bill No. 1409 by adding to Section 6 after subsection (c) the following new subsection and by relettering the subsequent subsections accordingly:

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

(d) An in kind contribution is deemed to be made and shall be reportable in the period when such contribution is made or performed and not when the cost is billed or paid. The actual cost of the in kind contribution, if known, shall be reported in the period such contribution is made or performed. If the actual cost of the in kind contribution is not known, an estimate of the cost shall be reported in the period such contribution is made or performed, and the report shall indicate that the amount reported is estimated. If the actual cost, as indicated on the bill, is different from the amount reported, such amount shall be amended or adjusted on a later report covering the period in which payment is made.

On motion, Amendment No. 4 was adopted.

On motion by Rep. Odom, Amendment No. 5 was moved to the heel of the amendments.

Rep. Niceley moved to amend as follows:

Amendment No. 6

Amend Senate Bill No. 1409 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Title 3, Chapter 6, Part 1, is amended by adding the following language as a new, appropriated designated section:

Section _____. While serving as a member of a state regulatory board, commission, or entity, no person shall engage in any activity which requires registration as a lobbyist under the provisions of this chapter. Any person who violates the provisions of this section is guilty of a misdemeanor.

Rep. Kisber moved that Amendment No. 6 be tabled, which motion failed by the following vote:

Ayes.	31
Noes.	55
Present and not voting.	2

Representatives voting aye were: Bittle, Bragg, Buck, Crain, Cross, Curlee, Davidson, Davis (Gibson), DeBerry, Givens, Hillis, Holt, Jackson, Jones U (Shelby), Kent, Kernell, Kisber, Knight, Love, McAfee, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Severance, Tindell, Windle, Wix -- 31.

Representatives voting no were: Allen, Anderson, Armstrong, Arriola, Bell, Byrd, Callicott, Chiles, Chumney, Clark, Coffey,

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

Copeland, Davis (Cocke), Davis (Knox), Duer, Ferguson, Garrett, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Herron, Hill, Holcomb, Hubbard, Johnson, Jones R (Shelby), Joyce, King, Liles, McDaniel, McKee, Meyer, Napier, Niceley, Nuber, Odom, Peroulas Draper, Rinks, Robinson (Davidson), Robinson (Washington), Shirley, Sipes, Stamps, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Wood -- 55.

Representatives present and not voting were: Collier, Fowlkes -- 2.

Thereupon, Rep. Niceley renewed the motion to adopt Amendment No. 6, which motion prevailed by the following vote:

Ayes.	51
Noes.	43
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Arriola, Byrd, Callicott, Chiles, Copeland, Davidson, Davis (Cocke), Davis (Knox), Dixon, Duer, Fowlkes, Garrett, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Herron, Hill, Holcomb, Hubbard, Huskey, Johnson, Jones R (Shelby), Joyce, King, Liles, McDaniel, McKee, Meyer, Niceley, Nuber, Odom, Peroulas Draper, Robinson (Davidson), Robinson (Washington), Shirley, Stamps, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Wood -- 51.

Representatives voting no were: Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Chumney, Clark, Coffey, Collier, Crain, Cross, Curlee, Davis (Gibson), DeBerry, Ferguson, Givens, Hargrove, Head, Hillis, Holt, Jackson, Jones U (Shelby), Kent, Kernell, Knight, Love, McAfee, Moore, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Hamilton), Severance, Sipes, Tindell, Turner (Hamilton), Wix, Mr. Speaker Naifeh -- 43.

Representatives present and not voting were: Napier -- 1.

Rep. Armstrong moved to amend as follows:

Amendment No. 7

Senate Bill No. 1409 by adding the following new sentence to the end of Section 6(c):

Within ninety (90) days of the effective day of this act, by rule promulgated in accordance with the uniform administrative procedures act, Tennessee Code Annotated, Title 4, Chapter 5, the registry of election finance shall enumerate a nonexclusive listing of examples of the various categories of contributions which constitute "in kind contributions" requiring disclosure. Upon promulgating such rule, the registry shall provide a copy of such rule to each member of the general assembly.

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

On motion, Amendment No. 7 was adopted.

Rep. Odom moved that Amendment No. 8 be withdrawn, which motion prevailed.

Rep. Odom moved that Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Kisber moved that Senate Bill No. 1409 be reset to the next available space to the Calendar for Thursday, May 30, 1991, which motion prevailed.

House Bill No. 1309 -- Financial Disclosure -- Makes substantive changes to campaign finance and lobbyists disclosure laws. Amends TCA, Title 2, Ch. 10; Title 3, Ch. 6; Title 8, Ch. 50; Title 12, Ch. 2.

Rep. Kisber moved that House Bill No. 1309 be reset to the next available space to the Calendar for Thursday, May 30, 1991, which motion prevailed.

House Bill No. 0386 -- Driver Licenses -- Includes work release program penalty for second offense for driving with revoked license. Amends TCA 41-2-128.

On motion, House Bill No. 386 was made to conform with Senate Bill No. 311.

On motion, **Senate Bill No. 311**, on same subject, was substituted for House Bill No. 386.

Rep. Chumney moved that **Senate Bill No. 311** be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Chumney moved that **Senate Bill No. 311** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	86
Noes.	3
Present and not voting.	2

Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Callicott, Chumney, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore,

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Wood, Mr. Speaker Naifeh -- 86.

Representatives voting no were: Byrd, Head, Wix -- 3.

Representatives present and not voting were: Coffey, Stamps -- 2.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to present not voting on Senate Bill No. 311 and have this statement entered in the Journal.

Rep. Ken Givens

REGULAR CALENDAR, CONTINUED

***House Bill No. 0467** -- Evidence -- Requires collection of DNA specimens under certain circumstances; makes DNA analysis admissible in evidence. Amends TCA, Title 24, Ch. 7; Title 38, Ch. 6; Title 40, Ch. 35.

On motion, House Bill No. 467 was made to conform with Senate Bill No. 1255.

On motion, **Senate Bill No. 1255**, on same subject, was substituted for House Bill No. 467.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

REGULAR CALENDAR, CONTINUED

Rep. Holcomb moved that **Senate Bill No. 1255** be passed on third and final consideration.

On motion, Rep. Byrd withdrew Judiciary Committee Amendment No. 1.

On motion, Rep. Byrd withdrew Judiciary Committee Amendment No. 2.

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

On motion, Rep. Kisber withdrew Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 3.

Rep. Holcomb moved that **Senate Bill No. 1255** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	91
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Wix, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Stamps -- 1.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE
May 29, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 284, 289, 292 and 293; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0284 -- Memorials, Professional and Business Achievement -- Exchange Club of Murfreesboro, fortieth anniversary. by *Womack.

Senate Joint Resolution No. 0289 -- Memorials, Public Service -- Fairview Middle School DARE Program, 1991 graduation. by *Springer, *Jordan, *Burks.

Senate Joint Resolution No. 0292 -- Memorials, Interns -- Laura Spining. by *Albright.

Senate Joint Resolution No. 0293 -- Memorials, Interns -- Beth Yount. by *Person, Lawson, et al.

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

SPECIAL CONSENT CALENDAR

House Resolution No. 0121 -- Memorials, Death -- Ernie H. Gray.
by *Sipes.

Introduced; placed on Special Consent Calendar.

House Resolution No. 0122 -- Memorials, Death -- Paul G. Alexander. by *Sipes.

Introduced; placed on Special Consent Calendar.

House Resolution No. 0123 -- Memorials, Recognition and Thanks
-- Nell Parham. by *Stamps.

Introduced; placed on Special Consent Calendar.

House Resolution No. 0124 -- Memorials, Public Service -- Dr. Talib-Karim Muhammad. by *DeBerry.

Introduced; placed on Special Consent Calendar.

House Resolution No. 0125 -- Memorials, Sports -- Middle Tennessee State University baseball team. by *Liles, *Bragg, *Severance.

Introduced; placed on Special Consent Calendar.

House Resolution No. 0126 -- Memorials, Public Service -- Dottie Dimple Davis Ousley. by *Williams M.

Introduced; placed on Special Consent Calendar.

House Resolution No. 0127 -- Memorials, Sports -- Coach Ron Brown. by *Williams M.

Introduced; placed on Special Consent Calendar.

House Resolution No. 0128 -- Memorials, Heroism -- Desert Storm Troops, 41st Legislative District. by *Windle.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0398 -- Memorials, Public Service -- Exchange Club of Murfreesboro. by *Bragg.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0399 -- Memorials, Personal Achievement -- Robert Kimbro, 1991 co-valedictorian, Dickson County High School. by *Jackson.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0401 -- Memorials, Sports -- Cannon

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

County High School softball team. by *Buck.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0402 -- Memorials, Public Service -- Judge Asher Howard. by *Anderson, *Huskey.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0403 -- Memorials, Heroism -- 402nd Military Police Battalion. by *Bivens.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0405 -- Memorials, Retirement -- Hattie E. Jackson. by *Turner L, *Jones R, *DeBerry, *Dixon, *King, *Jones U.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0406 -- Highway Signs -- Douglas Henry, Jr. Parkway. by *Robinson Robb, *Purcell, *Clark.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0407 -- Memorials, Personal Achievement -- Robert Allen, Ph.D from Vanderbilt University. by *Ridgeway, *Herron.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0408 -- Memorials, Public Service -- Recycling Network. by *Turner B, *Wood, *Meyer, *Robinson C B, *McAfee, *Copeland.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0410 -- Memorials, Professional and Business Achievement -- Dr. James Hunt, 1991 Mayo Foundation Distinguished Alumnus Award. by *Crain, *Kent, *Jones R, *Byrd, *Kernell, *Joyce, *Hassell, *King, *Jones U, *Williams K, *Chumney.

Introduced; placed on Special Consent Calendar.

Senate Joint Resolution No. 0271 -- Memorials, Heroism -- Sgt. First Class Russel Frank Awalt.

Placed on Special Consent Calendar.

Senate Joint Resolution No. 0272 -- Memorials, Retirement -- General Carl D. Wallace.

Placed on Special Consent Calendar.

Senate Joint Resolution No. 0274 -- Memorials, Professional and

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

Business Achievement -- Gwen McFarland, President of the National Federation of Democratic Women.

Placed on Special Consent Calendar.

Senate Joint Resolution No. 0284 -- Memorials, Professional and Business Achievement -- Exchange Club of Murfreesboro, fortieth anniversary.

Placed on Special Consent Calendar.

Senate Joint Resolution No. 0289 -- Memorials, Public Service -- Fairview Middle School DARE Program, 1991 graduation.

Placed on Special Consent Calendar.

Senate Joint Resolution No. 0292 -- Memorials, Interns -- Laura Spining.

Placed on Special Consent Calendar.

Senate Joint Resolution No. 0293 -- Memorials, Interns -- Beth Yount.

Placed on Special Consent Calendar.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in. With the request that all members voting aye be added as sponsors, the motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

RULES SUSPENDED

Rep. Phillips moved to suspend **Rule No. 81(1)** so that all bills reported out of Finance, Ways and Means and Transportation Committees today be properly before the Calendar and Rules Committee to be heard on Thursday, which motion prevailed.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

RULES SUSPENDED

Rep. Robinson (Davidson) moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee, so that House Bill No. 361 could be heard by the Transportation Committee on today, to which Rep. Rhinehart objected.

Rep. Robinson (Davidson) renewed the motion to suspend Rule No. 81(1), which motion prevailed by the following vote:

Ayes.	85
Noes.	5
Present and not voting.	3

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole, Collier, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Knight, Liles, Love, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Wix, Wood -- 85.

Representatives voting no were: Allen, Coffey, Davis (Knox), Robinson (Washington), Mr. Speaker Naifeh -- 5.

Representatives present and not voting were: Kisber, Rhinehart, Robinson (Hamilton) -- 3.

A motion to reconsider was tabled.

REGULAR CALENDAR, CONTINUED

***House Bill No. 0062** -- Veterans -- Authorizes issuance of special plates for military personnel evading capture. Amends TCA, Title 55, Ch. 4, Pt. 2.

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

Rep. Hillis moved that House Bill No. 62 be reset to the Calendar for Thursday, May 30, 1991, which motion prevailed.

***House Bill No. 1523** -- Bond Issues -- Authorizes \$286 million bond issue for certain purposes.

Rep. Purcell moved that House Bill No. 1523 be reset to the Calendar for Thursday, May 30, 1991, which motion prevailed.

House Bill No. 1010 -- Hospitals and Health Care Facilities -- Establishes rules for assistant training certification; decreases training required before employment. Amends TCA 68-11-209, 68-11-803.

On motion, House Bill No. 1010 was made to conform with Senate Bill No. 509.

On motion, **Senate Bill No. 509**, on same subject, was substituted for House Bill No. 1010.

Rep. McDaniel moved that **Senate Bill No. 509** be passed on third and final consideration.

On motion, Rep. Dixon withdrew Health and Human Resources Committee Amendment No. 1.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2.

Rep. McDaniel moved that **Senate Bill No. 509** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odum, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

***House Bill No. 0307 -- Bond Issues --** Authorizes \$50 million bond issue to fund state projects.

Rep. Bragg moved that House Bill No. 307 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 307 by deleting from Section 1 of the bill the words and figures "fifty million dollars (\$50,000,000.00)" and by substituting instead the words and figures "sixteen million, nine hundred thousand dollars (\$16,900,000.000)".

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Bragg moved that **House Bill No. 307**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	88
Noes.	6
Present and not voting.	3

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Moore, Napier, Niceley, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Wix, Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Haley, Meyer, Rigsby, Shirley, Tullos, Windle -- 6.

Representatives present and not voting were: Allen, Nuber, Venable -- 3.

A motion to reconsider was tabled.

House Bill No. 1411 -- Education -- Provides for incremental implementation of public school nurse programs; establishes system of competitive grants for model urban and rural comprehensive school

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

health programs. Amends TCA, Titles 49, 68.

Rep. Pruitt moved that House Bill No. 1411 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1411 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-1-1203(b), is amended by designating the current language as subdivision "(b)(1)" and by adding the following language, to be designated as subdivision "(b)(2)";

(b)

(2) During each fiscal year from FY 1991-1992 through and including FY 1998-1999, the public school nurse program, created by Tennessee Code Annotated, Section 68-1-1201(a), shall increase the total number of school nurses employed under the program by at least thirty-eight (38) additional positions. Assignment of such additional nurses shall occur each year in accordance with the priorities established within Tennessee Code Annotated, Section 68-1-1203(b). In performing the duties assigned by the provisions of the Education Improvement Act of 1991, the state board of education shall provide funding for the public school nurse program as a component of the formula established for the Tennessee basic education program; however, during any such fiscal year, employment of additional public school nurses shall be subject to the provision of adequate funding for such purposes as contained within the general appropriation act of the state. Within a local education agency which employed its own school nurses during the 1990-1991 school year, funds provided within this act for additional school nurse positions within the state's public school nurse program may be used by the local education agency to support such locally employed school nursing staff.

SECTION 2. Tennessee Code Annotated, Section 68-1-1202, is amended by adding the following language as a new, appropriately numbered item:

()

(A) Encourage and support public and non-profit agencies in the development of model rural and urban comprehensive school health programs through a system of competitive state grants. [The availability of such grants during any fiscal year shall be subject to the provision of adequate funding for such purpose as contained within the general appropriation act of the state. To qualify for receipt of any such competitive state grant, each model comprehensive school health program must provide preventive and primary health care services designed to attain the goals set forth within Tennessee Code Annotated, Section 68-1-1201(c), and must also conform to the policies set forth within Tennessee Code Annotated, Section 68-1-1205. The staff of each model program must also include, at a minimum, a certified pediatric or family nurse practitioner with adequate physician backup, and, when possible, should also include a master social worker with adequate psychiatric backup. Each model program must also form a local advisory committee that includes, but is not necessarily limited to, representatives of the local education agency and the local offices of the department of health and the department of human services. Each advisory committee shall strongly encourage active participation of parents and community-based providers of children and adolescent services. Each advisory committee shall undertake appropriate activities to encourage coordination of services and continued support for the model program. Each model program shall adopt and implement policies and procedures to assure parental consent, confidentiality, quality assurance, and program evaluation.]

(B) Organize and convene, acting jointly with the Tennessee Commission on Children and Youth, an interdepartmental committee to:

(1) develop policies, procedures, and criteria to govern selection of model comprehensive school health programs;

(2) undertake appropriate activities to solicit grant applications from qualified public and non-profit agencies;

(3) develop policies, procedures, and criteria for ensuring that grant recipients fully utilize all available sources of

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

federal, state, and local financial assistance; and

(4) design and implement policies to assure collection and analysis of data needed to evaluate the efficiency and effectiveness of individual model programs as well as the efficiency and effectiveness of the grant program.

The interdepartmental committee shall include representation by the department of mental health and mental retardation, the department of education, the department of human services, the department of youth development, the department of labor, the black health care commission, the governor's council on physical fitness and health, the governor's drug-free task force, and the division of health access within the department of health, and shall also include one citizen member who shall be a parent of a school-aged child: such citizen member to be appointed by the executive director of the public school nurse program who, prior to making such appointment, shall receive recommendations pertaining to such appointment from interested persons and groups.

SECTION 3. This act shall take effect on July 1, 1991, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 1411 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-1-1202, is amended by adding the following language as a new, appropriately numbered item:

()

(A) Encourage and support public and non-profit agencies in the development of model rural and urban comprehensive school health programs through a system of competitive, state administered grants. [The availability of such grants during any fiscal year shall be subject to

the ability of the executive director to raise sufficient funds from other than state sources, including but not limited to, federal sources and private foundations. To qualify for receipt of any such competitive, state administered grant, each model comprehensive school health program must provide preventive and primary health care services designed to attain the goals set forth within Tennessee Code Annotated, Section 68-1-1201(c), and must also conform to the policies set forth within Tennessee Code Annotated, Section 68-1-1205. The staff of each model program must also include, at a minimum, a certified pediatric or family nurse practitioner with adequate physician backup, and, when possible, should also include a master social worker with adequate psychiatric backup. Each model program must also form a local advisory committee that includes, but is not necessarily limited to, representatives of the local education agency and the local offices of the department of health and the department of human services. Each advisory committee shall strongly encourage active participation of parents and community-based providers of children and adolescent services. Each advisory committee shall undertake appropriate activities to encourage coordination of services and continued support for the model program. Each model program shall adopt and implement policies and procedures to assure parental consent, confidentiality, quality assurance, and program evaluation.]

(B) Organize and convene, acting jointly with the Tennessee Commission on Children and Youth, an interdepartmental committee to:

(1) develop policies, procedures, and criteria to govern selection of model comprehensive school health programs;

(2) undertake appropriate activities to solicit grant applications from qualified public and non-profit agencies;

(3) develop policies, procedures, and criteria for ensuring that grant recipients fully utilize all available sources of federal, state and local financial assistance and assistance from private foundations; and

(4) design and implement policies to assure collection and analysis of data

needed to evaluate the efficiency and effectiveness of individual model programs as well as the efficiency and effectiveness of the grant program.

The interdepartmental committee shall include representation by the department of mental health and mental retardation, the department of education, the department of human services, the department of youth development, the department of labor, the black health care commission, the governor's council on physical fitness and health, the governor's drug-free task force, and the division of health access within the department of health, and shall also include one citizen member who shall be a parent of a school-aged child: such citizen member to be appointed by the executive director of the public school nurse program who, prior to making such appointment, shall receive recommendations pertaining to such appointment from interested persons and groups.

SECTION 2. This act shall take effect on July 1, 1991, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Pruitt moved that **House Bill No. 1411**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

***House Joint Resolution No. 0231 -- Highway Signs -- Removes SR 297 in Scott County from designation as "Bruno Gernt Highway".**

House Joint Resolution No. 231 was reset to the Calendar for Thursday, May 30, 1991.

**MESSAGE FROM THE SENATE
May 29, 1991**

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 278.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
May 29, 1991**

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 715.

The Senate concurred in House Amendment(s) No(s). 1, and nonconcurred in House Amendment(s) No(s). 2 and 3.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
May 29, 1991**

MR. SPEAKER: I am directed to request the return of Senate Bill No. 567, for further consideration.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Bill No. 0567 -- Taxes -- Enacts "Tax Reform Law of 1991". Amends TCA, Titles 57, 67. by Dunavant.

SENATE BILL RETURNED

There being no objection, Rep. Bragg asked that the Clerk be directed to return **Senate Bill No. 567** to the Senate as requested.

**MESSAGE FROM THE SENATE
May 29, 1991**

MR. SPEAKER: I am directed to return to the House, Senate Bill

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

No. 1557, as requested.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
May 29, 1991**

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 629.

The Senate refused to recede from its action in nonconcurring in House Amendment No. 2.

The Speaker appointed a Conference Committee composed of Senators Atchley, Koella and Gilbert to confer with a like Committee from the House to resolve the differences of the two bodies on Senate Bill No. 629.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
May 29, 1991**

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 64.

The Senate nonconcurred in House Amendment(s) No(s). 5.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 0457 -- Auctions and Auctioneers -- Establishes guidelines for firm auctioneers. Amends TCA, Title 62, Ch. 19.

**CONFERENCE COMMITTEE REPORT
ON HOUSE BILL NO. 457**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 457 (Senate Bill No. 662) has met and recommends that the following Senate amendment be adopted: 5.

Senator Pete Springer
Senator Lynn Lawson
Senator Lou Patten

Representative Bill Collier
Representative Phillip Pinion
Representative Billy Rigsby

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

Rep. Collier moved that the Report of the Conference Committee on **House Bill No. 457** be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, West, Whitson, Williams (Shelby), Williams (Union), Windle, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE
May 29, 1991**

MR SPEAKER: I am directed to return to the House, House Bill(s) No(s). 486; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE CALENDAR, CONTINUED

RULES SUSPENDED

Rep. Severance moved to suspend Rule No. 59 for the immediate consideration of the message on Senate Bill No. 629 for the purpose of appointing a Conference Committee, which motion prevailed.

***Senate Bill No. 0629** -- County Government -- Enacts "Charter Government Unification Act". Amends TCA, Title 7.

**CONFERENCE COMMITTEE APPOINTED
ON SENATE BILL NO. 629**

Pursuant to **Rule No. 73**, Representative Severance moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 629, which motion prevailed.

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

The Speaker appointed Representatives Severance, Armstrong and Tindell as the House members of the Conference Committee on Senate Bill No. 629.

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 0861 -- Animals -- Revises classifications and regulations for exotic animals. Amends TCA, Title 70, Ch. 4, Pt. 4.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 861

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on Senate Bill No. 848 (House Bill No. 861) has met and recommends that House Amendment No. 1 as amended and Senate Amendment No. 5 be deleted and that the following amendment be adopted:

Amend Senate Bill No. 848 / House Bill No. 861 by deleting all the language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Title 70, Chapter 4, Part 4, is amended by deleting it in its entirety and substituting in lieu thereof the following:

Section 70-4-401. (a) It is unlawful for any person to possess, transport, import, export, buy, sell, barter, propagate or transfer any wildlife whether indigenous to this state or not, except as provided by this part and rules and regulations promulgated by the Tennessee Wildlife Resources Commission pursuant to this part.

(b) No person shall possess Class I or Class II wildlife without having documentary evidence showing the name and address of the supplier of such wildlife and date of acquisition.

Section 70-4-402. The following terms and definitions shall apply in the interpretation and enforcement of this part:

(1) Cage means the primary enclosure in which an animal is held;

(2) Circus means a public entertainment consisting typically of a variety of performances by acrobats, clowns, and trained animals, but does not include wrestling bears or any type of show in which there is direct contact between the public and a Class I animal except as otherwise provided for in this part;

(3) Commercial propagator means any person or entity which may sell, barter, trade, propagate, or transfer of Class I wildlife (excluding transfers to other commercial propagators located within the boundaries of Tennessee), and which meets all other applicable license, permit, zoning, and other requirements necessary to conduct business in the city, county, and state where located;

(4) Mobile facility means a facility designed for the transporting of animals or for the holding of animals on a temporary basis;

(5) Native wildlife means those species presently occurring in the wild in Tennessee and those extirpated species that could reasonably be expected to survive in the wild if reintroduced;

(6) Perimeter fence means a secondary fence that prevents the public from touching the cage in which the animal is held;

(7) Permanent exhibitors means those exhibits that are housed the entire year in facilities located within the state of Tennessee;

(8) Personal possession permit means a non-commercial type permit issued to private citizens for ownership or possession of non-breeding animals in small numbers;

(9) Stationary facility means the primary holding facility including cage and barriers that remain in a fixed location; and

(10) Temporary exhibitors means those transient animal acts not permanently located within the boundaries of the state of Tennessee.

Section 70-4-403. Live wildlife, kept and maintained for any purpose, shall be classified in the following five (5) classes:

(a) Class I -- This class shall include all species inherently dangerous to humans. These species may only be possessed by zoos, circuses, and commercial propagators except as otherwise provided in this part. The following is a listing of animals considered inherently dangerous:

(1) Mammals:

(A) Primates -- Gorillas,

orangutans, chimpanzees, gibbons,
siamangs, mandrills, drills, baboons,
Gelada baboons.

(B) Carnivores:

1. Wolves -- All species.
2. Bears -- All species.
3. Lions, tigers, leopards,
jaguars, cheetahs, cougars -- All
species.

(C) Order Proboscidea: Elephants
-- All species.

(D) Order Perissodactyla:
Rhinoceroses -- All species.

(E) Order Artiodactyla:
Hippopotamus, African buffalo.

(2) Reptiles:

(A) Order Crocodylia: Crocodiles
and alligators -- All species.

(B) Order Serpentes: Snakes --
All poisonous species.

(3) Amphibians: All poisonous species.

(4) The commission in conjunction with
the commission of agriculture may add or
delete species from the list of Class I
wildlife by promulgating rules and
regulations.

(b) Class II -- This class shall include
native species except those listed in other
Classes.

(c) Class III -- This class shall require
no permits except those required by the
department of agriculture and shall include all
species not listed in other classes and shall
include, but is not limited to, those listed in
(c)(1) through (c)(17). The commission, in
conjunction with the commissioner of agriculture,
may add or delete species from the list of Class
III wildlife by promulgating rules and
regulations:

(1) Non-poisonous reptiles and

amphibians except caimans and gavials.

(2) Rodents -- Gerbils, hamsters, guinea pigs, rats, mice, squirrels, and chipmunks.

(3) Rabbits, hares, moles, and shrews.

(4) Ferrets and chinchillas.

(5) Llamas, alpacas, guanacos, vicunas, camels, giraffes, and bison.

(6) Avian species not otherwise listed, excluding North American game birds, ostriches, and cassowary.

(7) Semi-domestic hogs, sheep, and goats.

(8) All fish held in aquaria.

(9) Bovidae not otherwise listed.

(10) Marsupials.

(11) Common domestic farm animals.

(12) Equidae.

(13) Primates not otherwise listed.

(14) Bobcat/domestic cat hybrids.

(15) Hybrids resulting from a cross between a Class II species and a domestic animal or Class III species.

(16) Cervidae except white-tailed deer.

(17) Furbearing mammals, including those native to Tennessee, raised solely for the sale of fur.

(d) Class IV -- This class shall include those native species that may be possessed only by zoos and temporary exhibitors; provided that rehabilitation facilities may possess Class IV wildlife as provided by rules established by the commission if authorized by letter from the director of the Tennessee wildlife resources agency:

(1) Black bear (Ursus americanus).

(2) White-tailed deer (Odocoileus virginianus).

(3) Wild turkey (Meleagris gallapavo)
(Including the eggs thereof).

(4) Bobcat (Lynx refus).

(5) Hybrids of a Class IV species
other than bobcat shall be Class IV.

(6) Animals that are morphologically
indistinguishable from native Class IV
wildlife shall be Class IV.

(e) Class V -- This class shall include
such species that the commission in conjunction
with the commissioner of agriculture may
designate by rules and regulations as injurious
to the environment. Species so designated may
only be held in zoos under such conditions as to
prevent the release or escape of such wildlife
into the environment.

Section 70-4-404. (a) The Tennessee wildlife
resources agency shall issue permits for possessing
live wildlife as defined in this part.

(b)(1) The Tennessee wildlife resources
commission shall adopt reasonable rules for
issuing permits to possess live wildlife and
establishing the conditions thereof. The
conditions shall be directed toward assuring the
health, welfare, and safety of animals, the
public and, where necessary, the security of
facilities in which the animals are kept.

(2) The director of the agency may
authorize by letter permission to possess any
class of wildlife for approved research studies
or for the temporary holding of animals in the
interest of public safety. The director may
exempt specific events from the caging and
handling requirements established for Class I
wildlife. Approval of an exemption will be based
on a written request that outlines safety
precautions that must be implemented during the
specified activity.

(c) Class I wildlife.

(1) Persons legally possessing Class I
wildlife prior to the effective date of this
part shall obtain annually a personal
possession permit to keep such Class I

wildlife. To obtain a personal possession permit, such persons shall comply with all of the provisions of this part. After the effective date of this part, no new animals shall be brought into possession under authority of a personal possession permit. Provided, however, persons in legal possession of one or more species of Class I wildlife as of the effective date of this act, may maintain the lineage of such species up to a maximum of three (3) animals per species. Persons in legal possession of the offspring of such Class I wildlife shall have a maximum of twelve (12) months from the date of birth of such offspring to obtain appropriate permits for such offspring or to dispose of such offspring through an appropriate commercial propagator or by any other manner permitted by law within the state. The provisions of this section shall apply solely to persons in legal possession of Class I wildlife as of the effective date of this act, and shall not be construed to authorize new personal possession of Class I wildlife.

(2) The executive director shall issue a permit upon a satisfactory showing of qualifications to possess live wildlife under the following conditions:

(A) The applicant must be at least twenty-one (21) years of age.

(B) The applicant must have at least two (2) years of experience in the handling or care of the Class I species for which the applicant is applying, or in the alternative, must take a written examination, developed and administered by the Tennessee wildlife resources agency, evidencing basic knowledge of the habits and requirements, in regard to proper diet, health care, exercise needs, and housing of the species to be covered by the permit. Experience gained while in violation of this part shall not be considered qualifying experience.

(C) The facilities for holding Class I wildlife must be located on the premises on which the permit holder resides or shall have a full-time resident caretaker to supervise the

care and security of the facilities. Facilities for Class I animals may not be on premises of less than one (1) acre for a personal possession permit and three (3) acres for a commercial propagator facility permit, and may not be located in a multi-unit dwelling or trailer park.

(D) The applicant must have a plan for the quick and safe recapture of the wildlife, or if recapture is impossible, for the destruction of any animal held under the permit. The applicant must have the legal authority to possess weapons or other equipment necessary to carry out the plan and in fact possess such weapons or other equipment.

(3) The permittee shall control and maintain Class I wildlife at all times in such a manner as to prevent direct exposure or contact between the animal(s) and the public, provided that a trained elephant may be brought into contact with the public under the close supervision of a qualified trainer or handler.

(d) No person shall hold live wildlife in captivity without first obtaining the appropriate permit as provided in this part. The annual permits and fees for holding live wildlife are as follows:

(1) PERSONAL POSSESSION -- Class I -- \$150/animal or \$1,000/facility.

PERSONAL POSSESSION -- Class II - \$10.00 animal or \$100/facility.

(2) TRANSFER OF OWNERSHIP -- A permit for transferring any Class I or II animal held under a personal possession permit. Provided that if the transfer of the animal is ordered by the agency, no transfer permit shall be required.

(3) COMMERCIAL PROPAGATOR -- \$1,000/facility for Class I wildlife.

(4) PROPAGATOR--\$25.00/facility small game birds and waterfowl; \$100/facility for all Class II wildlife except small game birds and waterfowl.

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

(5) IMPORTATION -- \$10.00/shipment or \$100 annual.

(6) TEMPORARY EXHIBITOR -- \$100/30 day period.

(7) PERMANENT EXHIBITOR -- \$500/year/facility.

(8) COMMERCIAL WILDLIFE PRESERVE -- \$150/year big game; \$75.00/year small game.

(9) FALCONRY -- \$40.00/year or other time period as might coincide with federal permit requirements.

(10) QUALIFICATION EXAMINATION - \$10.00/exam.

(11) ZOOS, NATURE CENTERS, REHABILITATION CENTERS, AND EDUCATIONAL EXHIBITS CERTIFIED AS NONPROFIT -- No Charge.

Section 70-4-405. (a) Wildlife housed in dangerously unsafe conditions constituting a threat to human safety shall at the direction of agency personnel, be placed in agency approved facilities at the owner's expense.

(b) Any condition which results in wildlife escaping from its enclosure, cage, leash or other constraint shall be considered maintaining wildlife in an unsafe manner and shall be a violation of this part.

(c) Cages shall be sufficiently strong to prevent escape and to protect the caged animal from injury.

(d) No person shall maintain any wildlife in captivity in any unsanitary or unsafe condition or in a manner which results in the maltreatment or neglect of such wildlife nor shall any species of wildlife be confined in any cage or enclosure which does not meet the cage specifications.

(e) Enclosure in which wildlife is held in captivity shall be maintained as follows:

(1) Water -- Drinking water shall be provided daily in clean containers. Swimming or wading pools shall be cleaned as needed to ensure good water quality.

Enclosures shall provide adequate drainage of surface water.

(2) Food -- Food provided shall be unspoiled and not contaminated.

(3) Waste -- Fecal and food waste shall be removed from cages daily and stored or disposed of in a manner which prevents noxious odors or insect pests. Hard floors shall be scrubbed and disinfected weekly. Large pens and paddocks with dirt floors shall be raked every three (3) days and the waste removed.

(f) The commission may promulgate rules and regulations requiring specific cage requirements for any species of live wildlife.

(g) Stationary facilities -- Class I wildlife.

(1) All stationary facilities must be surrounded by a perimeter fence (secondary barrier) of at least eight (8) feet in height and a minimum of four (4) feet from the cage holding the animal, or such other fencing, building, or other protection of the enclosure where the animal is kept sufficient to prevent unauthorized public entry or direct physical contact between the animal and the public.

(2) All cages shall be well braced and securely fastened to the floor or in the ground and shall utilize metal clamps, or braces of equivalent strength as that prescribed for cage construction.

(3) All cage entrances shall have double safety doors, one (1) of which only opens to the inside. These doors must remain locked at all times when unattended with chains and locks of sufficient strength to prevent the animal from breaking open the door if highly excited.

(4) All cages shall be constructed with a den, nest box or other connected housing unit that can be closed off and locked with the animal inside for the safe servicing and cleaning of the open area. In lieu of a nest box, a divided cage with a door between the two (2) compartments may be used.

(5) All outdoor cages shall provide adequate shelter from inclement weather conditions, shade from the sun and provide for the protection and health of the wildlife held.

(6) The mesh size or distance between bars shall be sufficiently small to prevent the escape of the animal being held.

(7) The above requirements shall be deemed to have been met by restraints consisting of a barrier system of moats or other structures as are commonly accepted by AAZPA as suitable to restrain and contain the animal in question. Any moat system utilized, whether wet or dry, shall be sufficient to prevent escape of the animal.

(8) Restraint by tethering cannot be used as a means to hold an inherently dangerous animal in captivity except for elephants within a perimeter fence or trained elephants under the immediate supervision of a qualified trainer or handler.

(9) All animals shall be kept in cages which meet the following minimum criteria, or shall be housed in buildings in which the strength of the walls, and the restraints affixed to all windows, doors, and other means of entry or exit in effect meet such minimum criteria:

(A) Felidae and Ursidae. (i)
All cages shall be constructed of and covered at the top with nine (9) gauge steel chain link or equivalent with tension bars and metal clamps to prevent the escape of the animal; provided that animals, except tigers, leopards, and jaguars, may be held in facilities without a top where the sides of the cages are a minimum of eleven feet (11') high with the top three feet (3') of fencing inturned at a forty-five degree (45°) angle. No structures which could provide potential escape routes may be present near the fence of an open top cage.

(ii) All cages for cougars and cheetahs shall be constructed as specified above except that

minimum strength shall be of eleven and one half (11 1/2) gauge steel chain link or equivalent.

(B) Canidae -- All cages shall be constructed of and be covered at the top with eleven and one-half (11 1/2) gauge steel chain link or equivalent with tension bars and metal clamps to prevent the escape of the animal; provided that animals may be held in facilities without a top where the sides of the cage are a minimum of nine feet (9') high with the top three feet (3') of fencing inturred at a forty-five degree (45°) angle.

(C) Elephants, rhinoceros, hippopotamus and African buffalo:

(i) Construction materials shall consist of steel bars, masonry block or equivalent. If masonry block construction is used, the holes in the blocks must be filled with steel reinforced concrete to provide sufficient strength.

(ii) Restraints consisting of a barrier system of moats or other structures as are commonly accepted as suitable to restrain and contain these animals in paddocks or corals may be used in lieu of a cage.

(D) Poisonous animals -- Poisonous animals shall be kept in a cage or in a glass enclosure sufficiently strong, and in the case of a cage, of small enough mesh to prevent the animals escape. The cage or glass enclosure must be kept inside an outer cage or glass enclosures must be kept locked at all times. No person except the permittee or such person's authorized employee shall open any cage or other container which contains poisonous animals. Persons keeping poisonous animals shall have in their possession antivenin for each species possessed.

(E) Chimpanzees, gorillas,

orangutans -- Cage construction materials shall consist of steel bars, two-inch galvanized pipe, reinforced masonry block or their strength equivalent.

(F) Drills, mandrills, baboons, Gelada baboons, gibbons, siamange -- Cage construction materials shall consist of not less than nine (9) gauge steel chain link or equivalent.

(G) Alligators and crocodiles -- Cages shall consist of fencing at least five feet (5') in height of not less than eleven and one-half (11 1/2) gauge chain link or equivalent.

(h) Mobile facilities -- No mobile facility shall be used in transporting any wildlife except as follows:

(1) Facilities shall be equipped to provide fresh air without injurious drafts and adequate protection from the elements to all animals.

(2) The animal traveling area shall be free of engine exhaust fumes.

(3) Animal cages shall have openings for the emergency removal of wildlife.

(4) Cages shall be large enough to ensure that each specimen has sufficient room to stand erect and lie naturally.

(5) Wildlife transported in the same cage area shall be in compatible groups.

(6) Facilities used in transporting or temporarily exhibiting Class I wildlife shall be constructed of steel or case hardened aluminum of sufficient strength to prevent the escape of wildlife being transported. Such facilities shall be constructed in such a manner to prevent contact between the animal(s) and the general public. All doors shall be locked when the facility is in use.

(7) Poisonous reptiles shall only be transported in a strong, closely woven cloth sack, tied or otherwise secured. This sack shall then be placed in a box. The box

shall be of strong material in solid sheets, except for small air holes, which shall be screened. Boxes containing poisonous reptiles shall be locked and prominently labeled "Danger Poisonous Snakes" or "Danger Poisonous Reptiles" and shall include the owner's name, address, telephone number and list of number and species being transported.

(8) Temporary exhibits shall be housed in cages that meet the minimum cage specifications as provided in the section on stationary facilities when such wildlife is present in any geographical location for more than ten (10) days.

(9) Prior to entering the state of Tennessee, temporary exhibitors shall submit a schedule that details the exact locations and dates of shows and places where such wildlife will be exhibited while in the state. Failure to provide such a schedule upon application for a permit shall be grounds to deny issuance of such permit.

Section 70-4-406. (a) Any person who keeps class I wildlife shall be liable for any costs incurred by any person, city, county, or state agency resulting from the escape from captivity of the animal(s).

(b) Neither the state of Tennessee nor any agency, employee, or agent thereof shall be liable for any animal that expires, or is injured or is destroyed. Neither the state of Tennessee nor any agency, employee, or agent thereof shall be liable for any damage or injury caused by live wildlife under a permit issued pursuant to this part.

Section 70-4-407. (a) Prior to the transfer of any Class I wildlife to a new owner, the prospective owner must provide the seller with proper documentation of an approved holding facility for that species. Proper documentation shall consist of a copy of a current permit for that species or a letter from the Tennessee wildlife resources agency stating that the facilities have been inspected and are approved. Any transfer without approved holding facilities shall be a violation of this part by the seller who shall provide housing for the animal at such seller's cost until the transferee can provide approved facilities or until final court actions are concluded. If the seller does not provide housing, such seller shall be liable for costs incurred by the agency for providing such housing.

(b) Permittees must notify the agency of any transfer of Class I wildlife within five (5) days of the transfer on forms provided by the agency.

Section 70-4-408. Owners of unpermitted wildlife who do not qualify for a permit to possess such wildlife shall dispose of such wildlife to an approved recipient within thirty (30) days of notification by the agency. Each day of possession of unpermitted wildlife after such thirty (30) day period shall constitute a separate violation.

Section 70-4-409. Any person possessing live wildlife in Class I or II shall, during normal business hours and at all reasonable times, and without the necessity of a search warrant, allow the executive director or any officer or employee of the agency to inspect all animals, facilities, and records relating to such animals for the purpose of ensuring compliance with the provisions of this part.

Section 70-4-410. (a) Before any person may engage in the business of propagating or otherwise obtaining Class I or II wildlife for sale, barter, or trade, whether indigenous to this state or not, such person must obtain and possess a permit for each propagating location.

(b) Any nonresident who enters the state for the purpose of selling Class I or II wildlife species in this state shall also be required to purchase and possess a permit.

(c) All permits under this section shall comply with all provisions of the United States Code and the Code of Federal Regulations relating to exotic animals, their care, propagation, importation and sale.

(d) Artificially propagated wildlife may be propagated, sold, possessed, released, or exported in accordance with the rules and regulations prescribed by the commission and in the case of migratory birds the regulations prescribed by the federal government.

(e) Only commercial propagators may qualify for a permit to propagate Class I wildlife and may transfer Class I wildlife only to persons or entities approved to possess Class I wildlife. First time commercial propagators shall have one (1) permit year to meet the criteria as defined in Section 70-4-402(3). Renewal of a commercial propagator permit shall be conditional on the

permittee having met the definition of a "commercial propagator" during the prior permit year.

Section 70-4-411. (a) All persons wishing to possess Classes I and II live wildlife obtained outside the state of Tennessee shall have in their possession the importation permit required by this part. The permit and all bills of lading and shipping papers relating to any wildlife which such person may have in his possession shall be open and available for inspection at all reasonable times by authorized agency officers and employees for the purpose of ensuring compliance with the provisions of this part.

(b) Animals brought into this state under the authority of an annual importation permit must be reported to the agency within five (5) days of the date of importation.

(c) An importation permit is required for all interstate movement of live wildlife except Class III, except no permit shall be required for zoos and temporary exhibitors.

Section 70-4-412. It is unlawful to release any class of wildlife in Tennessee except in accordance with the rules and regulations promulgated by the commission.

Section 70-4-413. (a) It is unlawful for any person to operate a private wildlife preserve for the purpose of propagating and/or hunting any class of wildlife reared in captivity unless that person shall obtain the appropriate permit and operate such private wildlife preserve in accordance with the rules and regulations promulgated by the commission.

(b) It is lawful to hunt approved species of pen-reared and farm-reared animals on such preserve.

(c) Persons hunting pen-reared animals on such preserve shall not be required to possess a hunting license.

Section 70-4-414. (a) Before any person may take, transport, or possess raptors for the purpose of falconry, such person shall first obtain a falconry permit in accordance with the rules and regulations promulgated by the commission. This permit shall be supplemental to all other permits and licenses required for hunting as provided in this title, except that a holder of a falconry license may import and possess raptors legally obtained without the necessity

of an importation permit.

(b) Rules and regulations promulgated by the commission shall govern the taking, importation, possession and use of raptors and shall require applicants for such permit to satisfactorily pass a written examination attesting to their qualification to possess and use falcons. The rules and regulations may provide for a waiver of the examination if the applicant has satisfactorily passed an examination in any other state which the commission deems comparable to the Tennessee examination. The rules and regulations shall not be less restrictive than federal regulations governing taking, transporting, possessing and using raptors for the purpose of falconry.

70-4-415. (a) Any officer of the agency, upon finding a violation of the provisions of this part of the terms of the permit or rules and regulations promulgated may take the following action or actions, as appropriate:

(1) Such officer may exercise his arrest authority or in lieu thereof, issue a finding of violation, along with a warning to remedy the violation by a specified date. Each day's continuation after such date shall constitute a separate violation.

(2) Such officer may give three (3) days written notice seizure to the alleged offender, and make application to a court of proper jurisdiction for an order to seize any items or wildlife held, used or transported in violation of the provisions of this part, permit or rules or regulations; provided that if such officer determines that the public health, safety or welfare imperatively requires emergency action, the notice requirement shall be suspended and such officer may make immediate application to the court for seizure; and provided further, that if the emergency is such that the wildlife presents a present or imminent life threatening situation or is likely to do so under the circumstances, then such officer or any member of the agency who may be present and assisting the officer may destroy such wildlife.

(3) Such officer may take any other reasonable and appropriate actions otherwise

provided by law including, but not limited to, the action provided for under Section 70-4-405(a).

(b) Any person violating any provision of this part, including a failure to remedy under subdivision (a)(1), or who violated the terms of any permit or rules and regulations promulgated pursuant to this part shall be guilty of a Class A misdemeanor; provided, further, that in the discretion of the court, and in lieu of or in addition to a fine or a jail sentence, or both, the person's permit may be revoked and such person shall be precluded from applying for or obtaining a permit under this part for a period not to exceed three (3) years.

(c) In the event of revocation of a person's permit, the court shall determine whether or not the items seized pursuant to subdivision (a)(2) shall be ordered forfeited to the state.

(d) When any item or wildlife is forfeited, the court shall enter an order accordingly and the contraband property shall be sold at public sale by the commissioner of general services or as otherwise provided by rules and regulations, or donated to a worthy recipient. However, upon request of the agency at the trial of the matter, the court, as a part of its order, may direct that specific items or wildlife, which the court has ordered forfeited, be awarded to the agency for use as educational or training purposes.

(e) No item or wildlife seized by the agency may be forfeited or disposed of in the discretion of the court unless the offender has been convicted of the offense charged and all appeals from such conviction have been exhausted. An appeals bond shall be required to cover the cost of holding and maintaining such animals held pending final disposition of the appeal.

Section 70-4-416. Permittees shall immediately notify the agency or local law enforcement officials of any escape of Class I wildlife. Any personal injury inflicted by any species of captive wildlife requiring medical treatment shall be reported to the agency within forty-eight (48) hours of the injury and a complete report provided regarding the nature and circumstances of the injury.

Section 70-4-417. The cost of administration of

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

this part as it relates to wildlife not indigenous to this state shall be borne by the general fund and revenues collected pursuant to this part.

Section 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Section 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Ray C. Albright
Senator Joe Nip McKnight
Senator Andy Womack

Representative C. R. Robinson
Representative Peggy S. Knight
Representative Frank Buck

Rep. Crain moved the previous question, which motion failed by the following vote:

Ayes.	55
Noes.	38
Present and not voting.	1

Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Chumney, Clark, Cole, Collier, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Ferguson, Garrett, Givens, Hargrove, Hassell, Herron, Hill, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Love, McAfee, Moore, Napier, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Turner (Shelby), Whitson, Williams (Shelby) -- 55.

Representatives voting no were: Anderson, Callicott, Chiles, Coffey, Davidson, Davis (Knox), Duer, Fowlkes, Gunnels, Haley, Halteman, Haun, Head, Hillis, Holcomb, Hubbard, Joyce, Liles, McDaniel, McKee, Meyer, Niceley, Nuber, Rhinehart, Rigsby, Robinson (Washington), Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Hamilton), Venable, Walley, West, Windle, Wix, Wood -- 38.

Representatives present and not voting were: Bragg -- 1.

Rep. Odom moved the previous question, which motion prevailed.

Thereupon, Rep. Robinson (Davidson) moved that the Report of the Conference Committee on House Bill No. 861 be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes.	53
Noes.	36

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

Representatives voting aye were: Anderson, Armstrong, Bittle, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Cole, Collier, Crain, Cross, Davidson, Davis (Gibson), DeBerry, Dixon, Fowlkes, Garrett, Givens, Haley, Halteman, Hargrove, Herron, Hill, Holt, Jackson, Johnson, Kent, Kernell, Kisber, Knight, Love, McAfee, Meyer, Napier, Odom, Phillips, Pinion, Purcell, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Tindell, Turner (Hamilton), Walley, West, Whitson, Wix, Wood, Mr. Speaker Naifeh -- 53.

Representatives voting no were: Allen, Arriola, Bell, Callicott, Coffey, Curlee, Davis (Knox), Duer, Ferguson, Gunnels, Harrill, Hassell, Haun, Head, Hillis, Holcomb, Hubbard, Jones R (Shelby), Joyce, Liles, McDaniel, McKee, Niceley, Nuber, Peroulas, Draper, Rhinehart, Rigsby, Robinson (Washington), Shirley, Sipes, Stamps, Tullos, Venable, Williams (Shelby), Williams (Union), Windle -- 36.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to no on the Conference Committee Report on House Bill No. 861 and have this statement entered in the Journal.

Rep. Calvin Moore

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to aye on the Conference Committee Report on House Bill No. 861 and have this statement entered in the Journal.

Rep. Alvin King

MESSAGE CALENDAR, CONTINUED

House Bill No. 1157 -- Motor Vehicles -- Increases civil penalty for violating motor vehicle sales licenses from \$100 to \$200. Amends TCA, Titles 47, 55.

Rep. Chumney moved that the House concur in Senate Amendment(s) No(s). 2 and 3 to **House Bill No. 1157**.

Rep. Rhinehart moved to divide the question on Senate Amendments Nos. 2 and 3, which motion prevailed.

Senate Amendment No. 2

Amend House Bill No. 1157 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-17-114(a), is amended by adding the following language as a new, appropriately designated subdivision:

()

(A)

(i) The license holder has failed to return to a customer any parts which were removed from the motor vehicle and replaced during the process of repair if the customer, at the time repair work was authorized, requested return of such parts; provided, however, any part retained by the license holder as part of a trade-in agreement or core charge agreement for a reconditioned part need not be returned to the customer unless the customer agrees to pay the license holder the additional core charge or other trade-in fee; provided further, any part required to be returned to a manufacturer or distributor under a warranty agreement or any part required by any federal or state statute, rule or regulation or local ordinance to be disposed of by the license holder need not be returned to the customer; or

(ii) The license holder has failed to permit inspection of any parts retained by the license holder if the customer, at the time repair work was authorized, expressed his or her desire to inspect such parts; provided, however, if, after inspection, the customer requests return of such parts, the restrictions set forth in item (A)(i) of this subdivision shall apply.

(B)

(i) The license holder has failed to post in a prominent location notice of the provisions of this subdivision; or

(ii) The license holder has failed to print on the repair contract notice of the provisions of this subdivision.

(C) The license holder need not retain any

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

parts not returned to the customer after the motor vehicle has been returned to the customer.

SECTION 2. Tennessee Code Annotated, Section 47-18-104(b), is amended by adding the following language as a new, appropriately designated subdivisions:

()

(A)

(i) Failing of a motor vehicle repair facility to return to a customer any parts which were removed from the motor vehicle and replaced during the process of repair if the customer, at the time repair work was authorized, requested return of such parts; provided, however, any part retained by the motor vehicle repair facility as part of a trade-in agreement or core charge agreement for a reconditioned part need not be returned to the customer unless the customer agrees to pay the facility the additional core charge or other trade-in fee; provided further, any part required to be returned to a manufacturer or distributor under a warranty agreement or any part required by any federal or state statute or rule or regulation to be disposed of by the facility need not be returned to the customer; or

(ii) Failing of a motor vehicle repair facility to permit inspection of any parts retained by the repair facility if the customer, at the time repair work was authorized, expressed his or her desire to inspect such parts; provided, however, if, after inspection, the customer requests return of such parts, the restrictions set forth in item (A)(i) of this subdivision shall apply.

(B)

(i) Failing of a motor vehicle repair facility to post in a prominent location notice of the provisions of this subdivision; or

(ii) Failing of a motor vehicle repair facility to print on the repair contract notice of the provisions of this subdivision.

(C) The motor vehicle repair facility need not retain any parts not returned to the customer

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

after the motor vehicle has been returned to the customer.

SECTION 3. This act shall take effect on January 1, 1992, the public welfare requiring it.

Rep. Chumney moved to concur in Senate Amendment No. 2, which motion failed by the following vote:

Ayes.	44
Noes.	46
Present and not voting.	6

Representatives voting aye were: Arriola, Bell, Bivens, Buck, Byrd, Chumney, Clark, Collier, Copeland, Cross, Curlee, Davis (Gibson), DeBerry, Dixon, Ferguson, Garrett, Gunnels, Halteman, Herron, Hillis, Holt, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Knight, Love, McAfee, Moore, Odom, Pinion, Purcell, Ridgeway, Rigby, Robinson (Davidson), Robinson (Hamilton), Stamps, Turner (Hamilton), Turner (Shelby), West, Mr. Speaker Naifeh -- 44.

Representatives voting no were: Allen, Anderson, Armstrong, Bittle, Callicott, Chiles, Cole, Davidson, Davis (Cocke), Davis (Knox), Duer, Fowlkes, Givens, Haley, Harrill, Hassell, Haun, Head, Hill, Holcomb, Hubbard, Huskey, Joyce, Kisber, Liles, McDaniel, McKee, Meyer, Napier, Nuber, Peroulas Draper, Phillips, Pruitt, Rinks, Robinson (Washington), Severance, Sipes, Tindell, Tullos, Venable, Walley, Williams (Shelby), Williams (Union), Windle, Wix, Wood -- 46.

Representatives present and not voting were: Bragg, Crain, Niceley, Rhinehart, Shirley, Whitson -- 6.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on the motion to concur in Senate Amendment No. 2 to House Bill No. 1157 and have this statement entered in the Journal.

Rep. Bill McAfee

MESSAGE CALENDAR, CONTINUED

Senate Amendment No. 3

Amend House Bill No. 1157 by adding the following new section to precede the effective date section:

SECTION _____. Tennessee Code Annotated, Section 55-4-307, is amended by deleting subsection (b) in its entirety.

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

MOTION

Rep. Bragg moved that we nonconcur in Senate Amendment No. 3.

RULING OF THE CHAIR

The Speaker ruled the motion to nonconcur, following the motion to concur in a Senate Amendment, out of order.

MOTION

Rep. Bragg moved to table the motion to concur in Senate Amendment No. 3.

RULING OF THE CHAIR

The Speaker ruled the motion to table the motion to concur in a Senate Amendment out of order.

MESSAGE CALENDAR, CONTINUED

Rep. Chumney withdrew the motion to concur in Senate Amendment No. 3.

Thereupon, Rep. Bragg moved to nonconcur in Senate Amendment No. 3. Rep. Head moved the previous question, which motion prevailed.

Rep. Bragg renewed the motion to nonconcur, which motion failed by the following vote:

Ayes.	44
Noes.	50
Present and not voting.	2

Representatives voting aye were: Anderson, Arriola, Bragg, Buck, Callicott, Collier, Copeland, Crain, Davidson, Davis (Gibson), Ferguson, Fowlkes, Givens, Harrill, Head, Herron, Hill, Hillis, Holt, Jackson, Johnson, Kisber, Liles, McDaniel, McKee, Meyer, Moore, Niceley, Phillips, Pinion, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Shirley, Sipes, Turner (Hamilton), Venable, Whitson, Windle, Wix, Wood, Mr. Speaker Naifeh -- 44.

Representatives voting no were: Allen, Armstrong, Bell, Bittle, Bivens, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Cross, Curlee, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Garrett, Gunnels, Haley, Halteman, Hassell, Haun, Holcomb, Hubbard, Huskey, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Knight, Napier, Nuber, Odom, Peroulas Draper, Pruitt, Purcell, Robinson (Davidson), Robinson (Washington), Severance, Stamps, Tindell, Tullios, Turner (Shelby), Walley, West, Williams (Shelby), Williams (Union) -- 50.

Representatives present and not voting were: Joyce, Love -- 2.

Rep. Chumney renewed the motion to concur in Senate Amendment

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

No. 3, which motion prevailed by the following vote:

Ayes.	72
Noes.	18
Present and not voting.	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Hillis, Holcomb, Holt, Hubbard, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Rigsby, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Stamps, Tindell, Tullis, Venable, Walley, West, Williams (Shelby), Wood -- 72.

Representatives voting no were: Davidson, Ferguson, Fowlkes, Harrill, Head, Herron, Hill, Jackson, McKee, Meyer, Niceley, Rinks, Shirley, Turner (Hamilton), Whitson, Williams (Union), Windle, Wix -- 18.

Representatives present and not voting were: Joyce, Rhinehart, Mr. Speaker Naifeh -- 3.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

MOTION TO RECONSIDER

Rep. Walley moved to lift from the table the motion to reconsider Senate Bill No. 1557, which motion prevailed.

***Senate Bill No. 1557 -- Courts, General Sessions --** Expands jurisdiction of general sessions court to include probate and mental health commitments in Fayette County. Amends TCA 16-15-5004.

Rep. Walley moved to reconsider our action in passing Senate Bill No. 1557, which motion prevailed.

Rep. Walley moved to amend as follows:

Amendment No. 2

Amend Senate Bill No. 1557 by deleting from the amendatory language of Section 1 in subsection () (2) the last sentence which reads as follows:

"When the general sessions court of any such county is exercising any of the jurisdiction set out in subdivision (1) of this subsection, the appropriate clerk shall also serve as the clerk of the general sessions court."

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

On motion, Amendment No. 2 was adopted.

Rep. Walley moved that Senate Bill No. 1557 be passed on third and final consideration, as amended, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

COMMUNICATION

Rep. Purcell announced that consideration was being given to a two-week recess of the General Assembly and read the following letter from the Governor, which he requested spread in the Journal.

May 29, 1991

The Honorable Jimmy Naifeh
Speaker, TN House of Representatives
Suite 19, Legislative Plaza
Nashville, TN 37219

Dear Jimmy:

I would respectfully ask that the Speaker of the House of Representatives, members of the House take a recess to a day certain.

I would ask that Representatives return home and discuss revenue alternatives that would be fair to all Tennessee taxpayers, and which would provide funds to restore some of the reductions and fund the Basic Education Program for the kids in Tennessee, today, as well as for the next generation.

Respectfully,
/s/ Ned McWherter

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to the suspension of **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on Thursday, May 30, 1991:

Senate Bill No. 64: Rep. Hubbard.

Senate Bill No. 278: Rep. Cross.

House Bill No. 486: Rep. Dixon.

Senate Bill No. 715: Rep. Odom.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 62: Rep(s). Givens and McDaniel as prime sponsor(s).

House Bill No. 361: Rep(s). Robinson (Davidson) as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep. Davis (Cocke) was removed as sponsor of **House Bill No. 1157**.

INTRODUCTION OF RESOLUTIONS

On motion, the resolutions(s) listed was/were introduced and referred as noted:

House Joint Resolution No. 0411 -- Memorials, Retirement -- William Estel Underwood. by *Windle.

Referred by the Speaker to the Calendar and Rules Committee.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred as noted:

Senate Joint Resolution No. 0070 -- General Assembly, Studies -- Continues SJR 334 to study tax system.

Referred by the Speaker to the Calendar and Rules Committee.

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

Senate Joint Resolution No. 0273 -- Memorials, Government Officials -- Requests continuation of "Behavior Health Alternatives for Offenders" program.

Referred by the Speaker to the Calendar and Rules Committee.

DELAYED BILLS REFERRED

Pursuant to **Rule No. 78**, having been prefiled for introduction, House Bill(s) No(s). 1644 and 1645, was/were referred to the Delayed Bills Committee.

***House Bill No. 1644 -- Constitutional Conventions -- Calls for constitutional convention relative to income taxes. by *Rhinehart.**

***House Bill No. 1645 -- Aircraft and Airports -- Requires certain local governments to implement certain zoning measures. Amends TCA, Title 42, Ch. 6. by *Rhinehart.**

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

***House Bill No. 1592 -- Courts, General Sessions -- Authorizes counties with charter form of government to establish additional divisions of general sessions courts. Amends TCA 16-15-101. by *Hill, *Severance, *Bittle, *Tindell, *Davis J K, *Peroulas Draper, *Armstrong.**

Passed first consideration.

***House Bill No. 1593 -- County Government -- Increases membership of Knox County board of adjustment and enforcement. Amends TCA 13-7-106. by *Hill, *Severance, *Bittle, *Tindell, *Davis J K, *Peroulas Draper, *Armstrong.**

Passed first consideration.

***House Bill No. 1640 -- Funeral Directors and Embalmers -- Requires extra exams to be offered to candidates in Lawrence County. Amends TCA, Title 62, Ch. 5. by *Moore.**

Passed first consideration.

House Bill No. 1643 -- Tipton County -- Revises wheel tax. Amends Chapter 360, Private Acts of 1959, as amended. by *Naifeh.

Passed first consideration.

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk as noted:

Senate Bill No. 0900 -- Aircraft and Airports -- Requires certain local governments to implement certain zoning measures. Amends TCA, Title 42, Ch. 6. (*HB 0601).

Held pending third consideration of companion House Bill.

Senate Bill No. 1611 -- Lebanon -- Revises charter. Amends Chapter 644, Acts of 1911, as amended. (HB 1639).

Held pending third consideration of companion House Bill.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

House Bill No. 1630 -- Obion County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 1632 -- Kingsport -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 1633 -- Tipton County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 1634 -- Tipton County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 1635 -- McMinn County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 1636 -- Pulaski -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 1637 -- Maury County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 1638 -- Maury County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 1639 -- Lebanon -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

House Bill No. 1641 -- Cookeville -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 1642 -- Hardeman County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

REPORTS FROM STANDING COMMITTEES

TRANSPORTATION COMMITTEE

May 29, 1991

MR. SPEAKER: Your Transportation Committee reports that we have carefully considered and recommend for passage if amended: House Bill(s) No(s). 361.

ROBB ROBINSON, Chair.

Under the rules, with amendment(s): House Bill No. 361; was referred to the Calendar and Rules Committee.

FINANCE, WAYS AND MEANS

May 29, 1991

MR. SPEAKER: Your Finance, Ways and Means Committee reports that we have carefully considered and recommend for passage if amended: House Bill(s) No(s). 1522.

BRAGG, Chair.

Under the rules, with amendment(s): House Bill No. 1522 was/were transmitted to the Calendar and Rules Committee.

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

May 29, 1991

In accordance with **Rule No. 48**, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 1629, 1630, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1641 and 1642.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

May 29, 1991

MR. SPEAKER: The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the Consent Calendar for Thursday, May 30, 1991: House Joint

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

Resolution(s) No(s). 411; also, House Bill(s) No(s). 1629, 1630, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1641 and 1642.

PHILLIPS, Chair.

**ENGROSSED BILLS
May 29, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 404; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**ENGROSSED BILLS
May 29, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 322, 912, 1590, 1603, 1604, 1614, 1618, 1619, 1623, 1625 and 1628; also, House Joint Resolution(s) No(s). 400; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
May 29, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill No. 1141.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 1, withdrew Amendment No. 1, then repassed the bill on third and final consideration.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**ENGROSSED BILLS
May 29, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 402; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

MESSAGE FROM THE SENATE
May 29, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 239; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0239 -- Memorials, Government Officials -- Urges youth baseball organizations to adopt stronger safety measures. by *Cooper.

MESSAGE FROM THE SENATE
May 29, 1991

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1036; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 29, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 777; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

*Senate Bill No. 0777 -- Taxes -- Makes certain revisions to tax provisions. Amends TCA, Title 67, Chs. 2, 4, 67-6-102, 67-6-702. by *Darnell, *Henry.

MESSAGE FROM THE SENATE
May 29, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 226, 276, 278, 280 and 283; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

*Senate Joint Resolution No. 0226 -- Memorials, Congress -- Urges constitutional amendment to establish presidential line item veto authority. by *Gilbert.

Senate Joint Resolution No. 0276 -- General Assembly, Proclamations -- Ralph McDonald Day, May 19, 1991. by *Rochelle, McKnight.

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

Senate Joint Resolution No. 0278 -- Naming and Designating -- Bill of Rights Day. by *Cohen, McKnight.

Senate Joint Resolution No. 0280 -- Memorials, Personal Occasion -- Mr. and Mrs. Emmitt Goodman, 50th wedding anniversary. by *Haynes.

Senate Joint Resolution No. 0283 -- Memorials, Interns -- Paula Fernandez. by *Ford, *Womack, *Cooper, *Person, *Patten, Montgomery, Crutchfield, Henry, Burks, Hicks, Rochelle.

**MESSAGE FROM THE SENATE
May 29, 1991**

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 567.

The Senate lifted the tabling motion, reconsidered passage of the bill, adopted Amendment No. 6, then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**ENGROSSED BILLS
May 29, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 307 and 1411; also, House Joint Resolution(s) No(s). 398, 399, 401, 403, 405, 406, 407, 408 and 410; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
May 29, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 125, 209, 220, 1063, 1079, 1123 and 1207; also, Senate Joint Resolution(s) No(s). 235 and 287; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
May 29 1991**

MR. SPEAKER: I am directed to return to the House, House

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

Bill(s) No(s). 288, 312, 391, 539, 881, 963, 1026, 1594, 1601, 1602, 1608, 1610 and 1611; also, House Joint Resolution(s) No(s). 67, 177, 234, 238, 239, 240, 242, 243, 245, 246, 260, 270, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354 and 391; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
May 29, 1991**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 247, 248, 249, 400, 402 and 404; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
May 29, 1991**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 371, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383 and 384; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
May 29, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1622, 1623, 1624 and 1628; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
May 29, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1621; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Bill No. 1621 -- Obion County -- Enacts hotel/motel tax.
by *Hamilton.

WEDNESDAY, MAY 29, 1991 -- FIFTIETH LEGISLATIVE DAY

ENROLLED BILLS

May 29, 1991

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 1036, 1141, 1622, 1623, 1624 and 1628; House Resolution(s) No(s). 71, 121, 122, 123, 124, 125, 126, 127 and 128; also, House Joint Resolution(s) No(s). 247, 248, 249, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 371, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 400, 402 and 404; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Wix, Wood, Mr. Speaker Naifeh -- 98.

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Thursday, May 30, 1991.